

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : CONSENT PRELIMINARY ORDER
- v. - : OF FORFEITURE/
SERGEI POLEVIKOV, : MONEY JUDGMENT
Defendant. : 21 Cr. 774 (LJL)
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WHEREAS, on or about December 15, 2021, SERGEI POLEVIKOV (the "Defendant"), was charged in a one-count Information, 21 Cr. ____ (LJL) (the "Information"), with securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff; Title 17, Code of Federal Regulations, Section 240.10b-5; and Title 18, United States Code, Section 2 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code Section 2461, any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of the offense alleged in Count One of this Information that the Defendant personally obtained;

WHEREAS, on or about December 15, 2021, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c): (i) a sum of money equal to \$8,564,977 in United States currency, representing proceeds traceable to the commission of the offense charged in Count One

of the Information to be paid in full by the Defendant pursuant to the schedule set forth in this Consent Preliminary Order of Forfeiture/Money Judgment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$8,564,977 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Kiersten A. Fletcher, of counsel, and the Defendant, SERGEI POLEVIKOV, and his counsel, Michael Gerber, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$8,564,977 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, SERGEI POLEVIKOV, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. On or before April 1, 2022, the Defendant shall make a lump sum payment to the United States in the amount of \$8,564,977 to fully satisfy the Money Judgment.

4. All payments on the outstanding money judgment shall be made by either (1) postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number, or (2) by wire in accordance with instructions provided by the United States Marshals Service.

5. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

8. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:



Kiersten A. Fletcher
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2238

12/15/21

DATE

SERGEI POLEVIKOV

By:



Sergei Polevikov

12/15/21

DATE

By:



Michael Gerber , Esq.
Attorney for Defendant
Lankler Siffert & Wohl LLP
500 Fifth Avenue
New York, NY 10110

12/15/21

DATE

SO ORDERED:

HONORABLE LEWIS J. LIMAN
UNITED STATES DISTRICT JUDGE



12/15/21

DATE